

REMARKS

Applicant notes that the Oath/Declaration is defective. The originally filed declaration contained a clerical error in claiming continuation-in-part status from the provisional application instead of claiming the benefit of the provisional application. A supplemental declaration under 37 C.F.R. §1.67 will be submitted upon indication of allowable subject matter.

The Examiner indicates that the filing date of September 11, 2001 listed by the applicant for the priority provisional application is not consistent with PTO records, which show a filing date of September 15, 2001. Applicants attempted to deposit the priority application on September 11, 2001. Due to the national emergency that occurred on that date, the USPS did not accept Express Mail on that date. Applicant subsequently petitioned to credit the September 11, 2001 filing. A copy of the decision granting the petition and according the priority document a filing date of September 11, 2001, along with a copy of the corrected filing receipt, are attached (Attachment A).

The Abstract is objected to. The Abstract has been amended to overcome this objection.

Claims 3-5, 7 and 10-12 have been canceled.

Claims 13 and 14 have been canceled as being drawn to a non-elected invention.

Claims 1, 2, 6, 8 and 9 remain pending in the application.

Claims 1-7 and 10-12 are rejected in various combinations under 35 U.S.C. §102(b) based on Powell WO 98/08468 or Wagner U.S. 5,108,446 (Wagner '446) and under 35 U.S.C. §103(a) over Wagner '446. The cited references do not teach or suggest, alone or in combination, a prosthetic implant in which alignment of a plurality of pins depending from a cap with a complementary plurality of stems included on a base aligns the base with the cap to permit concurrent engagement of the pins with the interior lumens of the respective stems, as defined by amended independent claim 1 and associated dependent claims 2 and 6.

Claim 2 is rejected under 35 U.S.C. §101. Claim 2 has been amended to overcome this rejection.

Claims 7 and 9 are objected to because of an informality. The Examiner indicates that claims 8 and 9 are allowable if rewritten in independent form. Claim 8 has been amended in view of this indication of allowability to incorporate the subject matter of claims 7 and 8 and to overcome the objection to claims 7-9 because of an informality.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 1, 2, 6, 8 and 9 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach  
Patricia A. Limbach  
Registration No. 50,295

RYAN KROMHOLZ & MANION, S.C.  
Post Office Box 26618  
Milwaukee, Wisconsin 53226  
(262) 783 - 1300  
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Customer No.: 26308

Included/17584-CIP/031218 Amend A

Enclosures: Amendment Transmittal Letter  
Return Postcard  
Attachment A